

In the Matter of)	
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)	
Request for Review of Decisions of the)	CC Docket No. 02-6
Universal Service Administrator)	
)	
By Thirty Individual Schools)	File No. SLD Form 471 as Listed on Revised
of the Archdiocese of New York)	Exhibit 1 (FYs 2002, 2003, 2004 and 2005)
as Listed on Revised Exhibit 1)	

**REQUEST FOR LEAVE TO FILE SUPPLEMENT TO CONSOLIDATED
PETITION FOR RECONSIDERATION**

**Counsel for the Thirty Individual
Schools as Listed on Revised
Exhibit 1 and the Archdiocese of
New York.**

Dated: December 18, 2017

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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)	
Request for Review of Decisions of the Universal Service Administrator)	CC Docket No. 02-6
)	
)	
By Thirty Individual Schools of the Archdiocese of New York as Listed on Revised Exhibit 1)	File No. SLD Form 471 as Listed on Revised Exhibit 1 (FYs 2002, 2003, 2004 and 2005)

To: Chief, Wireline Competition Bureau

**REQUEST FOR LEAVE TO FILE SUPPLEMENT TO CONSOLIDATED PETITION
FOR RECONSIDERATION**

In accordance with Section 1.106(f) of the Commission's rules, 47 C.F.R. §1.106(f), the undersigned counsel, on behalf of the 30 individual Catholic schools of the Archdiocese of New York hereby requests leave to file the attached Supplement to the pending Consolidated Petition For Reconsideration¹

The Petition reported that among the original applicants and beneficiaries of the E-Rate Program funding sought to be recovered a number of the schools had closed. The Petition respectfully submitted that "it would be unfair and unequitable to now seek to impose on, for example, the inner-city Catholic parishes with which the closed schools were formerly affiliated, the obligation to repay these long-ago expenditures."²

¹ Consolidated Petition For Reconsideration, Docket No. 02-6, May 1, 2017 as amended, August 22, 2017 ("Petition").

² Petition, p. 4.

In connection with further review of options for potentially seeking to compromise the COMADs under the Commission's debt collection rules, more detailed historical information about the status of each of the Schools, and the Catholic parishes with which they were/are affiliated, has been developed.

The Supplement does not seek to raise new issues. It does not include any new legal argument or authority. Its purpose is solely to further clarify the factual status of the beneficiary entities and related parishes as of this time in order to ensure a complete factual record.

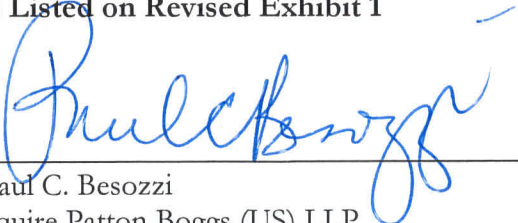
The Commission has the discretion to grant leave where the "equities so require and no party would be prejudiced hereby."³ The moving parties respectfully submit that is the case in this instance. Acceptance of these additional facts into the record will "facilitate the resolution of the [Petition] based upon a full and complete factual record."⁴ Therefore, it is in the public interest to grant this motion for leave.

³ See *In the Matter of Blanca Telephone Company Seeking Relief from the June 22, 2016 Letter Issued by the Office of the Managing Director Demanding Repayment of a Universal Service Fund Debt Pursuant to the Debt Collection Improvement Act*, Memorandum Opinion and Order and Order On Reconsideration, FCC 17-182, released December 8, 2017, at para. 26.

⁴ See *Amendment of Section 73.202(B) Table of Allotments, FM Broadcast Stations (Genoa, CO)*, MM Docket No. 01-21;RM 10050, Report and Order 18 FCC Rcd 1465, n. 2 (Audio Div. 2003).

Respectfully submitted,

**Thirty Individual Schools
of the Archdiocese of New York
as Listed on Revised Exhibit 1**



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Listed On Revised Exhibit 1 and the
Archdiocese of New York

Dated: December 18, 2017

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Dated: December 18, 2017

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
Request for Review of Decisions of the Universal Service Administrator)	CC Docket No. 02-6
By Thirty Individual Schools of the Archdiocese of New York as Listed on Revised Exhibit 1)	File No. SLD Form 471 as Listed on Revised Exhibit 1 (FYs 2002, 2003, 2004 and 2005)

To: Chief, Wireline Competition Bureau

SUPPLEMENT TO CONSOLIDATED PETITION FOR RECONSIDERATION

This is a supplement to the Consolidated Petition For Reconsideration ("Petition") filed on behalf of 30 individual Catholic schools of the Archdiocese of New York¹.

The Petition reported that among the original applicants and beneficiaries of the E-Rate Program funding sought to be recovered a number of the schools had closed. The Petition respectfully submitted that "it would be unfair and unequitable to now seek to impose on, for example, the inner-city Catholic parishes with which the closed schools were formerly affiliated, the obligation to repay these long-ago expenditures."²

In connection with further review of options for potentially seeking to compromise the COMADs under the Commission's debt collection rules, more detailed historical information about the status of each of the Schools, and the Catholic parishes with which they were/are affiliated, has

¹ Consolidated Petition For Reconsideration, Docket No. 02-6, May 1, 2017 as amended, August 22, 2017.

² Petition, p. 4.

been developed. The purpose of this supplement is solely to further clarify the status of those entities as of this time. In doing so, we provide a further annotated and revised Exhibit 1, reflecting this information.

I. THE STATUS OF THE SCHOOLS AND PARISHES WITH WHICH THEY WERE AFFILIATED

A. The Original Parish Affiliated Applicant/Beneficiary Schools

Only two (2) of the original parish-affiliated schools remain open and affiliated with the parish corporations which were in place at the time the E-Rate support subject to COMAD was received. These schools are: (1) Our Lady of Pompeii and (2) St. Joseph-Yorkville.

One (1) original parish-affiliated school remains open, but the original parish corporation that it was affiliated with was dissolved and combined with another parish, with the collective assets and liabilities of the combined parishes. This school is: (1) St. Anselm.

Eighteen (18) of the original parish-affiliated schools have been closed as parish schools, reopened, in the same locations and buildings, with the same names, under the supervision and oversight of separate, Archdiocesan-chartered regional legal entities, such as the Catholic School Region Of Manhattan, and continue to operate.³ These schools are: (1) Blessed Sacrament School (2013), (2) Immaculate Conception (2013), (3) Immaculate Conception G School (2013), (4) Incarnation Elementary School (2013), (5) Mt. Carmel/Holy Rosary (2013), (6) Our Lady Queen of Angels (2006), (7) Santa Maria (2013), (8) St. Ann-Manhattan (2013), (9) St. Brigid (2006), (10) St. Charles Borromeo (2013), (11) St. Elizabeth School (2013), (12) St. Francis of Assisi (2006), (13) St. John's Elementary, (14) St. Joseph School - Bronx (2013), (15) St. Luke, (16) St. Mark the Evangelist (2013), (17) St. Paul (2013) and (18) Our Lady of Grace (2013).

³ Each regional entity is jointly run by the New York Department of Education and the Archdiocese of New York. These regional entities did not assume any of the assets or liabilities of the closed parish schools. The date of closure of the original parish school is, where available, in parentheses.

Two (2) original parish-affiliated schools closed as a parish school, reopened as regional schools and then closed as a regional school as well. Those schools were: (1) St. Dominic and (2) St. Mary School.⁴

Six (6) original parish-affiliated schools closed and have remained permanently closed. These schools are: (1) Resurrection School (2006), (2) St. Aloysius (2016), (3) St. Ann-Bronx (2017), (4) St. Joseph of the Holy Family (2013), (5) St. Joseph Monroe (2013) and (6) St. Michael Academy (2010).

One (1) original school, which was not affiliated with any parish, but was run by the nuns of the Apostles of the Sacred Heart of Jesus, also closed and remained closed (2008). That is Sacred Heart Private School.

The foregoing covers all of the 30 original applicant/beneficiary schools on Revised Exhibit 1. Most of the parish school closures were due to financial reasons or declining enrollment.

B. The Parishes Affiliated With The Original Applicant/Beneficiary Schools

Separate and apart from the closure of the parish schools was the closure and combination of many of the parish corporations with which the original applicant schools were affiliated.

Fourteen (14) of the original affiliated parishes remain open. These are the parishes affiliated with the following schools: (1) Blessed Sacrament School, (2) Immaculate Conception School, (3) Immaculate Conception G School, (4) Incarnation Elementary School, (5) Our Lady of Pompeii, (6) Santa Maria, (7) St. Aloysius, (8) St. Elizabeth School, (9) St. Joseph of the Holy Family, (10) St. Joseph – Yorkville, (11) St. Luke, (12) St. Mark the Evangelist, (13) St. Michael Academy and (14) St. Brigid.

⁴ St. Dominic parish school closed in 2006 and the regional school closed in 2011. St. Mary parish school closed in 2006 and the regional school just closed in 2017.

Thirteen (13) of the original affiliated parishes were closed, the parish corporations dissolved, and combined into newly constituted parish entities, with the collective assets and liabilities of the combined parishes. This process applied to the parishes originally affiliated with the following schools:⁵ (1) Mt. Carmel/Holy Rosary (2016), (2) St. Ann – Manhattan (2016), (3) St. Ann – Bronx (2016), (4) St. Anselm, (5) St. Charles Borromeo (2016), (6) St. Francis of Assisi (2016), (7) St. John’s Elementary (2016), (8) St. Joseph School – Bronx (2016), (9) St. Joseph – Monroe (2016), (10) St. Mary School (2016), (11) St. Paul School (2016), (12) Our Lady of Grace (2016), and (13) Resurrection School (2016).

Two (2) of the original affiliated parishes were closed, but the former parish corporations have not been dissolved and are overseen by the Archdiocese. These parishes are those originally affiliated with the following schools: (1) St. Dominic (2007)⁶ and (2) Our Lady Queen of Angels (2016).

Again, there was one (1) non-parish affiliated school. This was Sacred Heart Private School.

The foregoing covers all parishes affiliated with the 30 original applicant/beneficiary schools on Revised Exhibit 1.

⁵ The date of closure/combination of the original parish is, where available, in parentheses.

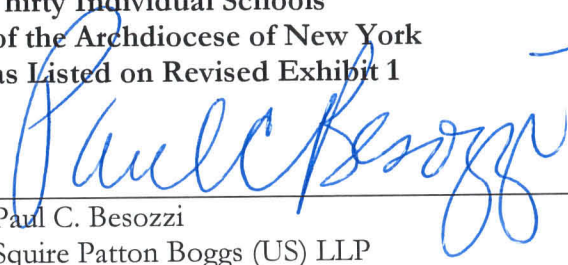
⁶ St. Dominic Parish as a practical matter combined with another parish, but the assets and liabilities remained with the legally extant St. Dominic parish corporation, which is managed by the Archdiocese. While the two parishes did not combine as a legal matter under New York state corporate law, they are merged did so for purposes of Catholic Church Law. Our Lady Queen of Angels parish closed, although for various reasons the parish corporation has not been not dissolved.

II. CONCLUSION AND REQUEST FOR RELIEF

For the reasons set forth in the Petition, as supplemented herein, the Schools and the Archdiocese of New York respectfully submit that the Commission should reconsider its action in the Notice and rescind the COMADs that relate to the 30 individual Schools listed in Revised Exhibit 1.

Respectfully submitted,

**Thirty Individual Schools
of the Archdiocese of New York
as Listed on Revised Exhibit 1**



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Counsel for the Thirty Individual Schools as
Listed On Revised Exhibit 1 and the
Archdiocese of New York

Dated: December 18, 2017

REVISED EXHIBIT 1

Archdiocese of New York Schools – FY2002, 2003, 2004, 2005 E-Rate Appeals

School Name	BEN	Date of Request For Review	Form 470 And Funding Year	Form 471	FRN	COMAD Date	Original Funding Commitment	Funds Disbursed to Date	Disbursed Funds USAC Claims Should be Recovered from Service Provider/Applicant
Blessed Sacrament School* 4	10008	9/28/2010	687200000379424 FY 2002	302187	796527(IC) 796528(1A)	9/30/2008	\$62,994.60 \$13,500	\$29,541.60 \$9,720	\$29,541.60 \$9,720
Immaculate Conception School* 4	10473	9/28/2010	790290000379426 FY 2002	295277	756725(1A) 756742(IC)	10/1/2008	\$13,500 \$39,801.60	\$12,960 \$39,801.60	\$12,960 \$39,801.60
Immaculate Conception G School* 4	10691	9/28/2010	979820000379425 FY 2002	302191	796580(IC)	10/14/2008	\$39,531.60	\$36,855	\$36,855
Immaculate Conception G School* 4	10691	6/17/2009	37740000424541 FY 2003	349380	941033(IC) 941034(1A)	10/6/2008	\$66,150 \$12,960	\$66,150 \$12,960	\$66,150 \$12,960
Immaculate Conception G School* 4	10691	5/27/2009	854970000455828 FY 2004	388978	1067034(IC) 1067036(1A) 1067038(IC) 1067040(IC) 1067041(IC)	10/6/2008	\$10,800 \$14,580 \$42,299.99 \$10,800 \$71,280	\$10,800 \$14,580 \$42,299.99 \$10,800 \$71,280	\$10,800 \$14,580 \$42,299.99 \$10,800 \$71,280
Immaculate Conception G School* 4	10691	5/27/2009	675770000500853 FY 2005	440709	1222900(1A) 1222901(1A) 1224626(IC)	10/6/2008	\$27,000 \$19,440 \$10,800	\$18,360 \$16,470 \$8,100	\$18,360 \$16,470 \$8,100
Incarnation Elementary School* 4	10184	9/28/2010	670910000379116 FY 2002	302176	796595(IC) 796598(1A)	9/30/2008	\$16,572.60 \$13,500	\$16,572.60 \$13,500	\$16,572.60 \$13,500
Mr. Carmel/Holy Rosary* 2 3 4	10215	9/28/2010	850770000379429 FY 2002	302177	796612(IC) 796613(1A)	9/30/2008	\$15,066 \$13,500	\$15,066 \$9,720	\$15,066 \$9,720
Our Lady Queen of Angels* 1 4	10108	9/29/2010	487080000379129 FY 2002	302184	796682(IC) 796685(1A)	9/30/2008	\$10,746 \$15,120	\$10,746 \$9,720	\$10,746 \$9,720
Our Lady of Pompeii	9936	9/28/2010	349300000380184 FY 2002	303933	798527(1A)	10/1/2008	\$7,950	\$5,850	\$5,850

School Name	BEN	Date of Request For Review	Form 470 And Funding Year	Form 471	FRN	COMAD Date	Original Funding Commitment	Funds Disbursed to Date	Disbursed Funds USAC Claims Should be Recovered from Service Provider/Applicant
Resurrection School* 2 3	10239	9/28/2010	973670000379450 FY 2002	302192	796699(IC) 796703(IC) 796704(LA)	9/30/2008	\$22,950 \$2,124 \$13,500	\$22,950 \$2,124 \$9,720	\$22,950 \$2,124 \$9,720
Sacred Heart Private School*	10621	9/28/2010	8554700000379449 FY 2002	302200	796777(IC) 796781(IC) 796782(LA)	9/30/2008	\$14,196.60 \$1,449 \$13,500	\$14,196.60 \$1,449 \$9,720	\$14,196.60 \$1,449 \$9,720
Santa Maria* 4	10620	9/28/2010	907820000379448 FY 2002	302201	796808(IC) 796810(LA)	9/30/2008	\$12,906 \$13,500	\$12,906 \$9,720	\$12,906 \$9,720
St. Aloysius*	10092	9/28/2010	260670000379138 FY 2002	302203	797401(IC) 797404(IC) 797409(LA)	9/30/2008	\$47,449.80 \$3,150 \$15,120	\$47,449.80 \$3,150 \$15,120	\$47,449.80 \$3,150 \$15,120
St. Ann Manhattan* 2 3 4	10112	9/28/2010	160460000379168 FY 2002	302209	797470(IC) 797475(LA)	9/30/2008	\$20,989.80 \$13,500	\$20,989.80 \$9,720	\$20,989.80 \$9,720
St. Ann Bronx* 2 3	10678	9/28/2010	414270000379150 FY 2002	302206	797435(LA)	9/30/2008	\$7,500	\$5,400	\$5,400
St. Anselm* 2 3	10472	9/29/2010	931510000379204 FY 2002	302212	797505(IC) 797508(IC) 797510(LA)	9/30/2008	\$34,650 \$2,124 \$13,500	\$34,650 \$2,124 \$9,720	\$34,650 \$2,124 \$9,720
St. Brigid* 4	9882	9/29/2010	670720000379438 FY 2002	302216	797566(IC) 797569(LA)	9/30/2008	\$15,870.60 \$13,500	\$15,870.60 \$9,720	\$15,870.60 \$9,720
St. Charles Borromeo* 2 3 4	10145	9/29/2010	383820000379216 FY 2002	302219	797606(LA)	9/30/2008	\$13,500	\$9,720	\$9,720
St. Dominic* 2	10615	9/29/2010	126520000379281 FY 2002	302221	797675(IC) 797678(LA)	9/30/2008	\$114,493.50 \$13,500	\$114,493.50 \$9,720	\$114,493.50 \$9,720
St. Dominic* 2	10615	5/27/09	377220000487934 FY 2004	41050	1124696(LA)	10/2/2008	\$8,100	\$8,100	\$8,100
St. Elizabeth School* 4	10171	9/29/2010	459880000379287 FY 2002	302223	797702(IC) 797703(IC) 797706(LA)	9/30/2008	\$34,641.00 \$2,124.00 \$15,120.00	\$34,641.00 \$2,124.00 \$15,120.00	\$34,641.00 \$2,124.00 \$15,120.00
St. Francis of Assisi* 2 3 4	10660	9/29/2010	261340000379296 FY 2002	302224	797730(IC) 797731(LA)	9/30/2008	\$61,569 \$13,500	\$61,569 \$13,500	\$61,569 \$13,500
St. John's Elementary* 2 3 4	10635	9/28/2010	607220000379305 FY 2002	302225	797768(LA)	9/30/2008	\$12,000	\$12,000	\$12,000

School Name	BEN	Date of Request For Review	Form 470 And Funding Year	Form 471	FRN	COMAD Date	Original Funding Commitment	Funds Disbursed to Date	Disbursed Funds USAC Claims Should be Recovered from Service Provider/Applicant
St. Joseph of the Holy Family*	10076	9/28/2010	976270000380164 FY 2002	302228	797816(LA) 797811(IC) 797815(IC)	9/30/2008	\$13,500 \$10,746 \$2,124	\$9,720 \$10,746 \$2,124	\$9,720 \$10,746 \$2,124
St. Joseph School Bronx* 2 3 4	10527	9/28/2010	414050000379447 FY 2002	302233	797848(IC) 797853(IC) 797857(LA)	9/30/2008	\$12,906 \$1,449 \$13,500	\$12,906 \$1,449 \$13,500	\$12,906 \$1,449 \$13,500
St. Joseph - Monroe* 2 3	9848	9/28/2010	891680000379325 FY 2002	302231	797900(IC) 797908(LA)	9/30/2008	\$29,241 \$13,500	\$29,241 \$9,720	\$29,241 \$9,720
St. Joseph - Yorkville	10273	9/28/2010	803230000379317 FY 2002	302230	797966(LA)	9/30/2008	\$12,000	\$8,640	\$8,640
St. Luke* 4	10463	9/28/2010	712800000383242 FY 2002	301724	774680(IC) 774693(LA)	10/1/2008	\$47,700 \$14,040	\$47,646 \$14,040	\$47,646 \$14,040
St. Mark the Evangelist* 4	10228	9/28/2010	609800000379420 FY 2002	302234	798114(IC) 798118(IC) 798124(LA)	9/30/2008	\$16,686 \$2,124 \$13,500	\$16,686 \$2,124 \$13,500	\$16,686 \$2,124 \$13,500
St. Mary School* 2 3	10668	9/28/2010	640190000379440 FY 2002	302237	798152(IC) 798156(IC) 798160(LA)	9/30/2008	\$21,762 \$2,124 \$13,500	\$17,550 \$2,124 \$9,720	\$17,550 \$2,124 \$9,720
St. Michael Academy*	9812	9/28/2010	946890000379442 FY 2002	302239	798200(IC) 798205(IC) 798209(LA)	9/30/2008	\$28,116 \$2,124 \$13,500	\$28,116 \$2,124 \$9,720	\$28,116 \$2,124 \$9,720
St. Paul School* 2 3 4	10216	9/28/2010	401440000379422 FY 2002	302240	798241(IC) 798243(IC) 798244(LA)	10/1/2008	\$16,092 \$2,124 \$13,500	\$16,092 \$2,124 \$9,720	\$16,092 \$2,124 \$9,720
Our Lady of Grace* 2 3 4	10671	6/17/2009	612520000424588 FY 2003	340619	941058(IC) 941060(LA)	10/6/2008	\$56,925.90 \$12,960	\$56,925.90 \$12,960	\$56,925.90 \$12,960
Our Lady of Grace* 2 3 4	10671	6/17/2009	178250000455827 FY 2004	391525	1072548(LA)	10/6/2008	\$8,100	\$8,100	\$8,100

*= Original Applicant/Beneficiary School Closed

1=Parish Closed

2=Parish Merged


3=Parish Corporation Dissolved

4=Operating as Regional School

DECLARATION

I, Dr. Timothy J. McNiff, am the Superintendent of Schools for the Archdiocese of New York, a position that I have occupied since 2008. As Superintendent, I am generally familiar with the E-Rate Program and the participation of the schools of the Archdiocese in that Program. I am further aware that on May 1, 2017 a Consolidated Petition for Reconsideration was filed on behalf of thirty individual schools of the Archdiocese of New York ("Petition").

The foregoing supplement to that Petition to provide additional factual information about the status of the schools that were the subject of the Petition and the affiliated parishes of the Archdiocese was prepared pursuant to my ultimate direction, supervision, and control. I declare under penalty of perjury that the factual statements therein relating to the status of the schools and parishes are true and correct to the best of my knowledge, information, and belief.



Dr. Timothy J. McNiff

12-18-17
Dated

CERTIFICATE OF SERVICE

I, Paul C. Besozzi, certify on this 19th day of December 2017 that a copy of the foregoing Request For Leave To File Supplement To Consolidated Petition For Reconsideration and Supplement To Consolidated Petition For Reconsideration has been served via electronic mail or first class mail, postage pre-paid, to the following:

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Paul C. Besozzi